

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCUS BRIAN REXRODE,

Defendant.

Cr. 3:23-cr-152

MOTION TO WITHDRAW

Assistant Federal Public Defender Anne M. Carter moves the Court for an Order permitting the Office of the Federal Public Defender, District of North Dakota, to withdraw as counsel for defendant, Marcus Brian Rexrode. This motion is based on the following grounds:

By the Chief Judge's Amended Standing Order entered on December 6, 2023, the Office of the Federal Public Defender was appointed to represent all individuals who may be eligible to seek a reduced or modified sentence based upon Amendment 821 to the United States Sentencing Guidelines. *See In re: Providing Counsel for Persons Potentially Eligible for Relief under Amendment 821 to the United States Sentencing Guidelines* (Dec. 6, 2023).

On June 14, 2024, Mr. Rexrode filed a motion to the Court. Doc. 36. The motion does not appear to seek relief under Amendment 821, or any relief related to criminal history points. Instead, Mr. Rexrode refers to amendments related to acquitted conduct, which will not become effective until November 1, 2024. *Id.*

Because Mr. Rexrode's motion does not request a sentence reduction under Amendment 821, his motion does not fall under the Standing Order, and the undersigned asks that the Office of the Federal Public Defender for the District of South Dakota and North Dakota be permitted to withdraw as counsel for Defendant in this matter.

Dated this 20th day of June, 2024.

Respectfully submitted,

JASON J. TUPMAN
Federal Public Defender
By:

/s/ Anne M. Carter
Anne M. Carter
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Attorney for Defendant
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